



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,748	02/22/2002	Harlan T. Beverly	ITL.0703US (P13939)	9386
21906	7590	07/03/2007		
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER MERED, HABTE	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/081,748

Applicant(s)

BEVERLY ET AL.

Examiner

Habte Mered

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-22.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation Sheet (PTO-303)

1. On cursory consideration the request for reconsideration, which has been entered, does not overcome the art rejections presented in the Final Office Action.

Response to Arguments

2. Applicant's arguments filed on 6/4/07 have been fully considered but they are not persuasive.

3. Applicant has not raised any new issue with respect to the 102 rejections of claims anticipated by Kincaid. It is the position of the Examiner that the issues raised by the Applicant in regards to the 102 rejections of all claims based on Kincaid as a prior art has been addressed in the Final Office Action.

Summarizing Applicant's arguments regarding the teachings of Kincaid, Applicant maintains Kincaid does not teach a demultiplexer as claimed in independent claims 1 and 11. Examiner respectfully disagrees. Kincaid in Figure 5 teaches a demultiplexer and shows element 505 as a demultiplexer using the well-known symbol for demultiplexer in the art. Examiner wants to emphasize that Applicant has not addressed the core issue of the symbol used to represent element 505 in Figure 5 is the industry accepted symbol for demultiplexer. Given the fact that the symbol for a demultiplexer is well known and is used to represent element 505 in Figure 5, it is also well known in the art that an entity that splits an incoming signal into several different signals is a demultiplexer and element 505 provides such a functionality and adequately meets the claimed limitations of claims 1 and 11.

4. Applicant has not raised any new issue with respect to the 102 rejections of claims anticipated by Walker. It is the position of the Examiner that the issues raised by the Applicant in regards to the 102 rejections of all claims based on Walker as a prior art has been addressed in the Final Office Action.

Summarizing Applicant's arguments regarding the teachings of Walker, Applicant maintains Walker does not teach writing and reading with different block sizes as required by the limitations of claims 1. Applicant further argues that block size remains the same in Walker's teachings. Examiner respectfully disagrees. Applicant goes to great length to cite irrelevant issues such as the block generator 302 always generating block of 8 words. Examiner clearly showed how block size changes in Walker's teachings when writing to register 302 and reading from register 302 in the Final Office Action. Applicant has not shown how the evidence cited by Examiner from Walker in proving that a block of 32 bits is written in register 302 and a block of 64 bits is read from register 302 is incorrect. Examiner's explanation of how block size changes in Walker's system is repeated below for the record.

As claims 1 requires the demultiplexed data is written as a first size (i.e. 32 bits) into register 304 and a block of 64 bits is read from the register as clearly shown in Figure 8B. Walker further supports this in paragraphs 41 and 134 indicating the input to the register 304 is a quad (a block of 8 words or 32 bits) and in paragraph 135, lines 4-6, Walker clearly shows what is read out of the register is formed from a pair of quads (i.e. block of 64 bits). From the perspective of Figure 1, element 100 is actually Figure 8B and as is called for in claim 1 the final output is fed to a multiplexer 34 of Figure 1


which Applicant readily agrees that is the case in paragraph 5 of page 5 of the Remarks dated 02/20/2007.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Mered whose telephone number is 571 272 6046. The examiner can normally be reached on Monday to Friday 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on 571 272 7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HM
06-25-2007


DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600